



City of Gaithersburg

31 South Summit Avenue
Gaithersburg, Maryland 20877

DRAFT

Mayor and City Council Regular Session Minutes City Hall - Council Chambers Monday, June 3, 2013

A Mayor and City Council Regular Session was called to order with Mayor Katz presiding. Council Members present: Jud Ashman, Cathy Drzyzgula, Henry F. Marraffa, Michael Sesma, and Ryan Spiegel. Staff present: City Manager Tomasello, Parks, Recreation and Culture Director Potter, Economic Development Director Loneragan, City Attorney Board, Community Specialist McGuire, Community Services Division Chief Herndon, Community Services Program Coordinator Srinivasachar, and Municipal Clerk Stokes.

I. CALL TO ORDER

The session was called to order at 7:30 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge was led by John Bornheart.

III. INVOCATION

In lieu of invocation, Mayor Katz called for a moment of silence.

IV. APPROVAL OF MINUTES

A. Regular Session Held May 6, 2013

Motion was made by Jud Ashman, seconded by Henry F. Marraffa, that the minutes of the Mayor and City Council regular session held May 6, 2013, be approved.

Vote: 5-0

B. Work Session Held May 13, 2013

Motion was made by Ryan Spiegel, seconded by Michael Sesma, that the minutes of the Mayor and City Council work session held May 13, 2013, be approved.

Vote: 5-0

V. APPOINTMENTS**A. Reappointment to the Commission on Landlord-Tenant Affairs**

This resolution confirmed the following reappointment to the Commission on Landlord-Tenant Affairs: Joan More (Public at Large), 12 Duvall Lane, Gaithersburg, Maryland 20877, three-year term.

Motion was made by Henry F. Marraffa, seconded by Jud Ashman, that a Resolution of the City Council Confirming a Reappointment by the Mayor to the Commission on Landlord-Tenant Affairs (Resolution No. R-38-13), be approved.

Vote: 5-0

VI. OATH OF OFFICE**A. Oath of Office to Commission on Landlord-Tenant Affairs Member**

Mayor Katz administered the oath to execute the office of Commission on Landlord-Tenant Affairs to Joan More as Public at Large Full Member and John Small as Tenant Member, three-year terms.

VII. PRESENTATIONS**A. Presentation of the Maryland Municipal League's District 5 Winner for the Statewide "If I Were Mayor..." Essay Contest**

Fourth graders in the City of Gaithersburg were encouraged to share what they would do if they were Mayor in a statewide essay contest sponsored by the Maryland Municipal League (MML) in partnership with the Maryland Mayors' Association, Injured Workers' Insurance Fund and Local Government Insurance Trust. The theme this year was "Vision for the Future." From the 2,400 entries received, MML selected one winner and four finalists from each of its 11 regional districts. Bianca Sanchez, a City of Gaithersburg resident, was chosen as the winner for District 5. She is a student in Mrs. Linda Joseph's 4th grade class at St. Martin's School.

B. CHARACTER COUNTS! Person of Character Award

The Mayor and City Council recognized an outstanding citizen and community leader, Mary Cinerary, with the Gaithersburg Person of Character Award. The Person of Character Award recognizes individuals who consistently strive to exemplify the Six Pillars of Character. She has served residents of the City of Gaithersburg in an extraordinary way. As the volunteer Executive Director of the Gaithersburg Community Soup Kitchen, known as the Lord's Table, for more than 25 years, Mary's commitment and service has helped provide nutritious meals and services to the homeless and needy each year. Mary is also an active member of the Gaithersburg Coalition of Providers and is committed to working with area nonprofits to provide resource information to guests at the soup kitchen.

VIII. PUBLIC COMMENTS

There were no speakers from the public.

IX. PUBLIC HEARING

- A. **An Emergency Ordinance to Amend Chapter 2 of the City Code Entitled "Administration," Article II Entitled "Municipal-County Relations," Section 2-6 Entitled "Exemption from Montgomery County Legislation and Regulations With the City" so as to Delete the Provisions of Chapters 16 and 19 of the Montgomery County Code Entitled "Elections" and "Erosion, Sediment Control and Storm Water Management", Respectively, as Being Applicable and Enforceable Within the City**

City Attorney Board presented the above emergency ordinance. Staff proposed to delete the provisions of Chapter 16 of the County Code from applicability within the City as the provisions in the County Code establish County election districts, referendum petition procedures, Charter referendum procedures and special election procedures when there is a council vacancy. The City currently regulates all of these areas either through the Charter or Article 23A of the Annotated Code of Maryland and the County provisions conflict with current City laws. Staff is also proposed to delete the provisions of Chapter 19 of the County Code from applicability within the City as Chapter 19-35 establishes the County water quality protection charge. The City has included its own water quality protection charge in the FY'14 Fee Schedule and will be pursuing a study to recommend a future rate structure for the City. Deletion of the County Code provisions will allow the City to collect the past fee until such time as a new fee structure is developed.

There were no speakers from the public.

Motion was made by Ryan Spiegel, seconded by, Henry F. Marraffa, that the record on an Emergency Ordinance to Amend Chapter 2 of the City Code Entitled "Administration," Article II Entitled "Municipal-County Relations," Section 2-6 Entitled "Exemption from Montgomery County Legislation and Regulations With the City" so as to Delete the Provisions of Chapters 16 and 19 of the Montgomery County Code Entitled "Elections" and "Erosion, Sediment Control and Storm Water Management", Respectively, as Being Applicable and Enforceable Within the City, remain open for four (4) days until 5 p.m. on June 7, 2013.

Vote: 5-0

X. FROM THE MAYOR AND CITY COUNCIL

- A. **Announcements**

Ryan Spiegel

1. Announced that a closed meeting was held at City Hall by the Mayor and City Council on Tuesday, May 28, 2013, at approximately 8:12 p.m., pursuant to a motion adopted unanimously. The meeting was proposed to be closed pursuant to the State Government Article of the Annotated Code of Maryland Section 10-508(a)(1)(i) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. The topic discussed was the City Manager's update on the goals and expectations for his

position and the City Attorney's performance evaluation. Present at the meeting were Mayor Katz, Council Members Ashman, Drzyzgula, Marraffa, Sesma and Spiegel, City Manager Tomasello and City Attorney Board. Upon conclusion of the discussion, the closed meeting was adjourned at approximately 9:30 p.m.

2. Announced a request for Election Judges for the City's upcoming 2013 Elections. If anyone is interested in becoming an Election Judge or has any questions regarding the upcoming election, please contact Lauren Klingler at 301-258-6310 or cityelections@gaithersburgmd.gov.
3. Reported that he, Drzyzgula and City Manager Tomasello met with County staff on the Tax Duplication Report. Said report will be presented to the County Council.
4. Attended Council of Governments' Climate and Environment Committee meeting and had an opportunity to hear about financing programs for energy efficiency being explored for the future.
5. Joined his colleagues for a ribbon cutting ceremony for the renovated Guardian Realty building.
6. Attended the Gaithersburg-Germantown Chamber of Commerce 10th Annual Wine Tasting event at the Kentlands Mansion.
7. Participated in the Memorial Day Ceremony at Christman Park.
8. Attended the Kentlands Downtown Partnership unveiling of the Main Street Banner.
9. Joined the Mayor for the Volunteer Coaches event at the City's Water Park. Thanked the coaches for making the programs a success.
10. Attended the grand opening of town home models for the Crown development.
11. Attended the annual meeting of the Committee for Montgomery at the Universities at Shady Grove. Mayor Katz and Council Member Drzyzgula were in attendance.
12. Mentioned the Gaithersburg Giants, part of the Cal Ripken League will have their home opening game at Kelly Park. Encouraged citizens to come out. Mayor Katz is scheduled to throw the first pitch.
13. Announced that the Kentlands will kick off their 25th Anniversary Celebration with a champagne event.

Jud Ashman

1. Announced that the Mayor and City Council are seeking to fill two (2) full time member vacancies on the Planning Commission in July. The incumbent Planning Commissioners have requested reappointment. Resumes and letters of interest should be submitted by 5 p.m. on Friday, June 7, 2013, via U.S. Mail to: Mayor and City Council, 31 South Summit Avenue, Gaithersburg, Maryland 20877 or send via email to: cityhall@gaithersburgmd.gov. For more information visit the City's website at www.gaithersburgmd.gov; or contact Community Planning Director Trudy Schwarz at 301-258-6330.
2. Attended several of the events mentioned above. In addition, he attended the ribbon cutting for the renovation of the Montgomery Park Apartments, which Mayor Katz and Council Member Drzyzgula were in attendance.
3. Attended the annual meeting of the Friends of the Wells/Robertson House. Judge Eric Johnson spoke at the event. Thanked everyone involved.
4. Congratulated Bianca Sanchez on her excellent essay and Mary Canapary for her service to the City.

Henry F. Marraffa, Jr.

1. Announced that the Mayor and City Council are seeking to fill two (3) vacancies on the Commission of Landlord-Tenant Affairs; one (1) full time Landlord Representative, one (1) full time Tenant Representative and one (1) Alternate Tenant position. All applicants must reside within the corporate City limits. Resumes and letters of interest should be submitted via U.S. Mail to: Mayor and City Council, 31 South Summit Avenue, Gaithersburg, Maryland 20877, or send via email to: cityhall@gaitthersburgmd.gov. For more information visit the City's website at www.gaitthersburgmd.gov.
2. Attended the Friends of Wells/Robertson annual meeting, which he serves on the Board of Directors. Echoed the fine efforts of the staff at the Wells/Robertson House.
3. Attended the Gaithersburg High School Awards for Excellence event.
4. Spoke on the Crown Farm development and how they are becoming available.
5. Reiterated his excitement in regards to the new banner in the Kentlands.

Cathy Drzyzgula

1. Announced that the Mayor and City Council are seeking to fill two (2) vacancies on the Animal Control Board; one (1) Business Community position and one (1) Alternate Veterinarian position. Resumes and letters of interest should be submitted via U.S. Mail to: Mayor and City Council, 31 South Summit Avenue, Gaithersburg, Maryland 20877, or send via email to: cityhall@gaitthersburgmd.gov. For more information visit the City's website at www.gaitthersburgmd.gov or contact animal Control Director Lisa Holland at 301-258-6343.
2. Mentioned the two ribbon cutting ceremonies held. Both were redevelopments and reinvestments.
3. Mentioned the pending new development at the location of Chris' Restaurant in Olde Towne.
4. Echoed how nice the Kentlands Downtown Partnership banners look. Announced that new bike racks and trash cans are to be placed in the Kentlands.
5. Attended another County for Growth meeting. Also announced that there will be an additional three (3) upcoming meetings.

Mike Sesma

1. Congratulated award recipients Mary Canapary and Bianca Sanchez.
2. Thanked the reappointees to the Commission on Landlord Tenant Affairs, which were Joan More and John Small.
3. Attended the Gaithersburg High School Awards for Excellence ceremony.
4. Attended with his wife, the 7th Annual Jubilation Day in Olde Towne.
5. Announced that the Summer Youth Job Fair will be held on Tuesday, June 11, 2013 from 2 p.m. to 4 p.m. at the Activity Center at Bohrer Park.
6. Announced the opportunities to serve on various committees, commissions and boards of the City. Those interested in serving, please send a letter of interest and a resume via U.S. Mail to: Mayor and City Council, 31 South Summit Avenue, Gaithersburg, Maryland 20877, or send via email to: cityhall@gaitthersburgmd.gov.

Mayor Katz

1. Announced the work session scheduled for Monday, June 10, to receive a presentation on the Synthetic Turf Field at Lakelands Park.
2. Announced the next regular meeting of the Mayor and City Council will be held on Monday, June 17, 2013, 7:30 p.m. in the City Hall Council Chambers.

XI. FROM CITY MANAGER TOMASELLO

1. Reported that the issues at the West Diamond Avenue Park and Ride lot are decreasing. The State Highway Administration had placed signs and the warning period is over. Citations have been issued and one car has been towed.
2. Reported on the preliminary discussion for the implementation of recycling improvements at City events.
3. Further mentioned that the Giants opening season starts on June 7, 2013. Thanked Criswell Automotive and Harry Criswell, the Gaithersburg Sports Association and the Parks, Recreation and Culture staff on the improvements to the field.

XII. ECONOMIC DEVELOPMENT UPDATE**Economic Development Director Lonergan**

1. Attended the International Council of Shopping Centers Annual Global Retail Real Estate Convention in Las Vegas. Had the opportunity to meet with developers, property owners and retailers about opportunities in Gaithersburg.
2. Reported that the Metropolitan Ballet Theatre is in search of new space. The organization submitted an application through the Economic Toolbox for a grant and the Perry Parkway site is being considered. Mayor Katz, and wife Sally did attend their recent event.
3. Announced that he will be attending the State's Annual Arts and Entertainment District meeting in Baltimore.

XIII. ORDINANCES / RESOLUTIONS / REGULATIONS**A. An Ordinance to Adopt the City Budget for the Fiscal Year July 1, 2013, through June 30, 2014, and Levying an Ad Valorem Tax on all Assessable Property Within the City of Gaithersburg, Maryland**

City Manager Tomasello presented the FY'14 Budget and constant yield tax for adoption. A public hearing was advertised in the March 27, 2013 issue of the Gaithersburg Gazette and was held on April 15, 2013. During the hearing, the Mayor and City Council voted to close the record on May 15, 2013. This ordinance would establish the City Budget, which will provide a complete financial plan, including anticipated revenues and proposed expenditures for the Fiscal Year 2013-2014. The ordinance also institutes the ad valorem tax on all assessable property within the City of Gaithersburg, Maryland. The ad valorem tax has been set at a rate of \$.262 on each \$100 of assessed value of real property and \$.53 on each \$100 of assessed value of Personal Property. In accordance with instructions from the Mayor and City Council during the budget work session, amendments were proposed in the Fiscal Year 2014 Budget.

Motion was made by Cathy Drzyzgula, seconded by Michael Sesma, that an Ordinance to Adopt the City Budget for the Fiscal Year July 1, 2013, through June 30, 2014, and Levying an Ad Valorem Tax on all Assessable Property Within the City of Gaithersburg, Maryland (Ordinance No. O-5-13), be approved.

Vote: 5-0

B. Establishing a Constant Yield Tax Rate for the City of Gaithersburg for the Fiscal Year July 1, 2013 through June 30, 2014

The rate was set with the adoption of the FY 2014 Budget agenda item above.

C. Resolution Codifying and Updating a Schedule of Fees, Charges, Fines and Forfeitures as Provided for in the Ordinances of the City of Gaithersburg

City Manager Tomasello highlighted the charges and fees being updated. During the FY 2014 Mayor and City Council Retreat, staff was directed to provide a comprehensive schedule of fees levied by the City of Gaithersburg for review and approval as part of the budget process. By adoption of this resolution, all fees, charges, fines and forfeitures of the City are established for FY 2014. Council Member Drzyzgula noted that the Water Quality annual fee would not change.

Motion was made by Jud Ashman, seconded by Henry F. Marraffa, that a Resolution Codifying and Updating a Schedule of Fees, Charges, Fines and Forfeitures as Provided for in the Ordinances of the City of Gaithersburg (Resolution No. R-39-13), be approved.

Vote: 5-0

XIV. STAFF GUIDANCE

A. Opportunity Grant Recommendation for MANNA Food Center

Director of Community Services Herndon presented the recommendation of the Community Advisory Committee (CAC). In the FY13 budget, up to \$50,000 was authorized to provide grants to nonprofit organizations for program(s)/service(s) that are new, innovative, and/or address emerging needs or special opportunities for City of Gaithersburg residents. Reported that the CAC received 10 applications to date. Thus far \$11,720 has been awarded. The CAC recommended funding in the amount of \$2,920 to MANNA Food Center for enhancements to its nutrition education program. These funds will be used to purchase cooking equipment and food, a "roving nutritionist" kit for MANNA's onsite and community-based healthy cooking demonstrations.

Motion was made by Cathy Drzyzgula, seconded by Ryan Spiegel, that Opportunity Grant Recommendation for MANNA Food Center, be approved.

Vote: 5-0

B. Opportunity Grant Recommendation for Catholic Charities, Spanish Catholic Center

Director of Community Services Herndon presented the above recommendation. In the FY13 budget, up to \$50,000 was authorized to provide grants to nonprofit organizations for program(s)/service(s) that are new, innovative, and/or address emerging needs or special opportunities for City of Gaithersburg residents. The Community Advisory Committee (CAC) received 10 applications to date. Thus far \$11,720 has been awarded. The CAC recommended approval of a grant to Catholic Charities, Spanish Catholic Center (SCC) in the amount of \$3,430 to be used for bus tokens and clothing gift cards for City youth who are part of the 2013 Summer Youth Employment Program, funded through the City's Workforce Development contract. SCC staff will escort the youth to buy appropriate work attire. The bus tokens will assist the youth with transportation until they receive their first paycheck. Council Member Spiegel questioned the waiver of bus cost for students. Staff will look into this further.

Motion was made by Michael Sesma, seconded by Jud Ashman, that Opportunity Grant Recommendation for Catholic Charities, Spanish Catholic Center, be approved.

Vote: 5-0

XV. FROM THE CITY ATTORNEY / OTHER STAFF

No additional report from the City Attorney or other staff.

XVI. CORRESPONDENCE

- A. **From Staff - None to Date**
- B. **From Outside**

XVII. DEPARTMENTAL MONTHLY REPORTS

- A. **April 2013**

XVIII. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at approximately 8:35 p.m.